

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1, 3, and 4-10 are presently active in this case. Claims 1, 3, and 4 are currently amended to better comply with U.S. claim format. Claims 5-10 have been withdrawn, and Claims 2, 11, and 12 are canceled without prejudice or disclaimer. Support for the amendment to Claim 1 can be found in original Claims 2 and 12, and at page 6, lines 1-4 of the Specification, for example. Claims 3 and 4 have been further amended to change dependencies. No new matter is added by the above-noted amendments.

In the outstanding Office Action, the restriction requirement dated November 22, 2004, was made Final; the Abstract was objected to for referring to a specific figure in the specification, using legal terms such as “said,” and repeating information recited in the title; Claim 4 was objected to as a multiple dependent claim depending from another multiple dependent claim; Claims 11 and 12 were objected to as being in improper form; Claims 1-3 were rejected under 35 U.S.C. §103(a) as unpatentable over Johnson (U.S. Patent No. 1,891,989) in view of Andler (U.S. Patent No. 2,368,911); and Claims 4, 11, and 12 were not treated on the merits.

Regarding the rejection of the Abstract, an amended Abstract is submitted herewith, addressing the minor informalities cited in the outstanding Office Action. Accordingly, Applicant respectfully requests withdrawal of the objection to the Abstract.

Regarding the objection to Claim 4 as a multiple dependent claim depending from another multiple dependent claim, Claim 4 is amended to depend only from independent Claim 1. Accordingly, Applicant respectfully requests withdrawal of the objection to Claim 4.

Regarding the objection to Claims 11 and 12 for improper multiple dependencies, Applicant respectfully submits that, as Claims 11 and 12 have been canceled, the objection is moot.

Regarding the rejection of Claims 1-3 under 35 U.S.C. §103(a) as obvious over Johnson in view of Andler, that rejection is respectfully traversed by the present response.

Amended Claim 1 recites, in part:

the material of the two strips being leather or simulation leather, wherein the two strips are formed by a piece folded in two, an area forming a fold is filled longitudinally with a rod of chosen thickness, and the teeth are applied at least partially around the fold area thus filled, wherein the zip fastener forms a wall of an article on which the zip fastener is disposed.

Accordingly, the zip fastener forms a wall of an article on which the zip fastener is disposed.

In contrast, no reasonable combination of Johnson with Andler discloses a zip fastener that is a wall of an article on which the zip fastener is disposed. Rather, both Johnson and Andler describe stringers as intermediate components located between the teeth of the zip-type fastener and the walls of the article that the zip-type fastener joins together.

Johnson provides a method of forming and attaching fastener elements to a tape or stringer. The fastener elements (4) are simultaneously molded and secured to the edge of the stringer as shown in Figure 4.¹ The stringers are then attached to the edges of a separate article such as a coat or overshoe. Johnson states:

Referring to the embodiment of my invention illustrated by the drawing, I have shown, particularly in Figure 1, two tapes or stringers 1 and 2 of flexible material, such as cloth, leather, etc., attached to an article 3 adjacent the edges of an opening in the article. The article may be a coat, tobacco pouch, overshoe, etc. Each stringer has a number of fastener elements 4 secured thereto in spaced relation for engagement to close the opening in the article 3. A slider 5 of the conventional type is also shown.²

¹ Johnson, column 2, lines 70-76.

² Johnson, column 1, lines 35-46.

Accordingly, Johnson attaches the fasteners (4) to a thin strip, then the thin strip is attached to an article. Nowhere in Johnson are the fastener (4) attached directly to the article itself. Therefore, Johnson fails to disclose fasteners attached to a strip that forms a wall of an article as recited in amended Claim 1.

Andler does not remedy the above-discussed deficiency in Johnson. Andler describes slide fasteners attached to a stringer which is in turn attached to a separate garment. Andler states:

The prime object of my present invention relates to the making of slide fasteners designed for adhesive attachment to the article to which it is to be applied, embodying the following features of structure and advantage:

1. The stringer tape is double-ply, the two plies being coated on their interior contiguous faces with the adhesive. The two piles form open wings which are adapted to receive therebetween, for adhesive attachment to the opposite faces of, an edge portion of the article for which it is to form a separable fastener. When attached, stripping or tearing away becomes impossible, the union is strong and practically permanent, and the closure (which may be to an unselvaged or unfinished garment edge) is next and sightly;³

Accordingly, Andler uses adhesive to bond two plies to opposite faces of an edge portion of an article to which the slide fastener is ultimately attached. Therefore, the stringer to which the slide fastener is attached is separate from the article, and does not form a wall of the article. Nowhere in Andler is an edge of the article itself used to hold the fasteners.

Accordingly, Applicant respectfully submits that Andler fails to disclose a zip fastener that forms a wall of an article as recited in amended Claim 1.

As neither Johnson nor Andler discloses all of the features of amended Claim 1, Applicant respectfully submits that amended Claim 1 patentably distinguishes over the cited references for at least this reason. Accordingly, Applicant respectfully requests withdrawal of the rejection of amended independent Claim 1.

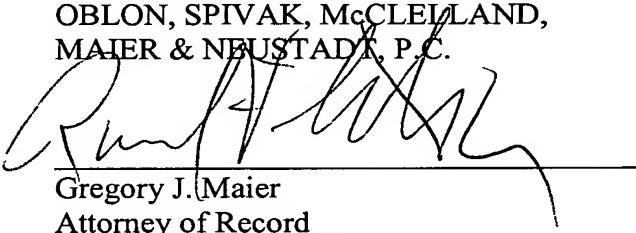
³ Andler, column 1, lines 18-34.

As Claims 3 and 4 depend from amended Claim 1, Applicant respectfully submits that Claims 3 and 4 patentably distinguish over the cited references for at least the same reasons as amended Claim 1.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Raymond F. Cardillo, Jr.
Registration No. 40,440

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
GJM/RFC/LS:rac/pch

I:\ATTY\LS\24'S\240696US\240696_AM DUE 23JUN05.DOC